IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 17315 of 2004

Between:

Tarnaka Chintal Welfare Association, Street No.12,
Chintal Basthi, Near Lalapet , Flyover , Secunderabad,
rep. by its President Sri G.Narsing Rao, S/o Sri G. Laxmaiah.

..... PETITIONER

AND

1 The Commissioner, Prohibition and Excise, Hyderabad.
2 Superintendent, Prohibition and Excise, Hyderabad.
3 Tarnaka Toddy Society Toddy Shop, License No. 51, Tarnaka,
Opp. to Naaz Hotel, Tarnaka, Hyderabad, rep. by its President.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate writ, order or direction, directing the first & second respondents not to grant license to the third respondent for running Toddy Shop at new premises bearing No. 12-13-1123, Chintal Basthi, near Lalapet Flyover, Tarnaka, Hyderabad

Counsel for the Petitioner: MR.C.RAGHU

Counsel for the Respondent No.1& 2: GP FOR PROHIBITION & EXCISE

The Court at the admission stage made the following :

ORDER:

This writ petition is filed seeking a direction to the respondents 1 and 2 not to permit the third respondent to shift the toddy shop into the new premises located in a residential area.

In the affidavit filed in support of the petition, it is stated that the third respondent who is running toddy shop with licence No.51, situated opposite to Naaz Hotel, Tarnaka, intends to shift the toddy shop to premises bearing No. 12-13-1123, Chintal Basthi. Since the said premises falls within a residential area and is surrounded by schools, colleges and religious places and since location of a toddy shop at such place is prohibited under Rule 5 of A.P. Excise (Arrack & Toddy Licence General Conditions) Rules, 1969, all the residents of the said locality opposed the proposed shifting and accordingly, they made representation to respondents 1 and 2 raising objections against the proposed shifting of the third respondent's shop. It is alleged that in spite of the objections raised by them, the respondents 1 and 2 are proceeding further to grant the permission to the third respondent to shift his shop. Hence, this writ petition.

I have heard the learned counsel for the petitioner and learned Government Pleader appearing for respondents 1 and 2.

As can be seen from the material on record, the representation made by the petitioner raising all the objections has been received by the respondents 1 and 2 on 15.09.2004. If that be so, it would be appropriate for respondents 1 and 2 to consider the objections raised by the petitioner before passing any order permitting the third respondent to shift the licensed premises.

Hence, I deem it appropriate to dispose of the writ petition with a direction to the respondents 1 and 2 to consider the objections raised by the petitioner in their representation, dated 15.09.2004 and to pass appropriate orders in accordance with law after affording due opportunity to third respondent as expeditiously as possible, preferably within a period of two weeks from the date of receipt of a copy this order.

Accordingly, writ petition is disposed of. No costs.

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28-09-2004

KLP

To

1 The Commissioner, Prohibition and Excise, Hyderabad.
2 Superintendent, Prohibition and Excise, Hyderabad.
3 Tarnaka Toddy Society Toddy Shop, License No. 51, Tarnaka,
Opp. to Naaz Hotel, Tarnaka, Hyderabad, rep. by its President.

4 2CCs to G.P. for Prohibition & Excise, High Court buildings,

Hyderabad.(OUT).

5 2CD copies